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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

DECISION  
ON PETITION

In re Application of:  
Joseph Michael Christie, et al.  
Application No. 09/276,042  
Filed: March 25, 1999  
For: **SYSTEM FOR MANAGING  
TELECOMMUNICATIONS**

This is a decision on the request filed on October 14, 2004 which is treated as a Petition to Withdraw the Holding of Abandonment pursuant to MPEP §711.03 and 37 C.F.R. §1.181. No fee is required.

This application became abandoned for failure to timely file a response to the non-final Office action mailed October 1, 2003, which set a shortened statutory period of three months to reply. A Notice of Abandonment was mailed on October 5, 2004.

Petitioner alleges to have timely filed a proper response to the non-final Office action mailed October 1, 2003. In support, petitioner has provided as evidence, a copy of said response, a copy of a petition for two months extension of time and a copy of a Transmittal letter itemizing the aforementioned items which included a certificate of facsimile transmission dated March 1, 2004. Also included with the response is a copy of a facsimile transmission summary report indicating that a 7-page document from Petitioner was successfully transmitted to the U.S. Patent and Trademark Office on March 1, 2004.


37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. [emphasis added]

The petition did not include a statement from Laura S. Mellblom attesting to the previous timely mailing or transmission of the response. However, the petition was accompanied by the sending unit's report confirming transmission on March 1, 2004 of 7 pages to the Office's official fax number.

Accordingly, the petition is **Granted**. The Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the copy of the original response which accompanied the subject petition. The petition for two month extension of time has been charged to Applicants' deposit account as requested. From there, the file will be forwarded to the examiner for consideration in due course.

  
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Dwayne D. Bost  
Special Program Examiner  
Technology Center 2600  
Communications